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Town Manager

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June 22, 2021

The Honorable Ron DeSantis
Governor, State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Re: Veto Request for CS/HB 403 Home-Based Businesses

Dear Governor DeSantis:

Your initiative to create Florida's cities as beacons of entrepreneurship must balance the desire to operate a home-based business with the potential impacts on residential neighborhoods and residential property values. Zoning is an essential function of local government. The further away government is to local residents, the greater the propensity to impose regulations that do not meet the needs of the residents. If you sign the legislation before you local leaders are stripped from their ability to minimize incompatible uses and balance competing property rights. In practice, zoning is used to prevent new development or uses from unfairly interfering with existing uses.

The Town of Lake Park continues to craft common-sense requirements regarding commercial uses of residential properties. Town ordinances consider the differing impacts on residential uses posed by specific business uses within our town. For example, low-intensity uses such as professional offices may be compatible with our residential neighborhoods in some cases. In contrast, high-intensity uses such as a 24-hour gym may not be compatible under any condition.

During this past session, it was the hope of all appointed and elected local officials that good-faith negotiations with legislators and interested stakeholders would have been to reach a compromise on home-based businesses. Unfortunately, due to the last-minute amendment to this bill, good faith negotiated the legislature's politically dashed efforts. CS/HB 403 now drastically departs from those reasonable good faith efforts.

If the bill was not amended on the last day of the session, which removed essential elements to properly balance the desire to operate a home-based business with the potential adverse impacts on the property rights of surrounding homeowners. Key provisions of the bill supported by the Town of Lake Park were included in CS/CS/SB 266 but not included in CS/HB 403, are:

- The ability for local governments to set common-sense limitations on hours of operation. CS/HB 403 prohibits local governments from regulating a home-based business differently from other businesses in a commercial zone. The hours of operation for a business in a commercial district may not be appropriate for a business in a residential neighborhood.
- The ability for local governments to place limits on business signs in residential areas, exterior storage and traffic generated by a home-based business. Again, these types of matters should be tailored to the residential setting where a home-based business operates rather than defaulting to the same regulations used in commercial or industrial zones.
- The ability of local governments to prohibit business activities from occurring within view of the street.

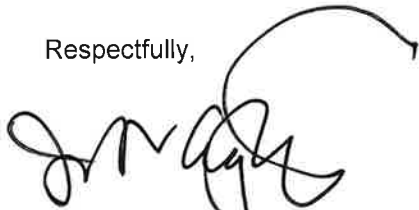
The passage of CS/HB 403 was highly contentious in the Florida Senate, where on the last day of the 2021 Session, the bill narrowly passed on a 19-18 vote. In a clear violation of Senate rules, three senators present in the Senate chamber failed to record a vote. The Senate subsequently requested the House return the bill to allow the Senate to take a valid vote. The House adjourned sine die before responding to the Senate's request.

If allowed to become law, CS/HB 403 will significantly preempt Home Rule powers and the ability of local government to balance competing property rights. The amendment to this bill was drafted by a legislature that has no clear understanding of the responsibility of local government nor did they care to consider the need to reasonably alter some aspects of a commercial business that will now operate in a residential neighborhood.

Additionally, the bill will void existing local ordinances or regulations that have tailored unique solutions to homeowner and business concerns.

For these reasons, Governor, you must veto CS/HB 403. Thank you, in advance for your leadership and consideration on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'John D'Agostino', with a large, sweeping flourish extending upwards and to the right.

John D'Agostino
Town Manager, Town of Lake Park Florida